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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,989

04/16/2004

James Botelho

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26712 7590 05/08/2009

HODGSON RUSS LLP  
THE GUARANTY BUILDING  
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EXAMINER

KAMEN, NOAH P

ART UNIT

PAPER NUMBER

3741

MAIL DATE

DELIVERY MODE

05/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* JAMES BOTELHO, JOSEF VISINSKI, ANDREW VISINSKI,  
JOSEPH LAPINE

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Application No. 10/825,989  
Technology Center 3700

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Mailed: May 8, 2009

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Before Deborah Perry, *Supervisory Paralegal Specialist, Review Team*  
Perry, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 17, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, HEADINGS

A review of the file indicates that the Appeal Brief filed November 18, 2005, does not comply with 37 CFR § 41.37(c) because it does not contain all required heading items. Specifically, 37 CFR § 41.37 (c)(1) requires the following heading items to be included in the Appeal Brief:

(ix) *Evidence appendix.*

(x) *Related proceedings appendix.*

Please have Appellant submit a paper with the missing headings.

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner to:

- (1) to hold the Appeal Brief filed November 18, 2005, defective;
- (2) for appellant to file a paper with the two missing appendix headings;
- (3) for any such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/mev

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